

Application No.: 09/881,275
Response

R E M A R K S

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. No claims are currently being amended, canceled or added. Therefore, claims 8 and 10-12 are pending in the application.

Finality of the Current Office Action

The undersigned discussed the finality of the current office action (i.e. the office action mailed December 2, 2004) with the Examiner in a telephone interview that occurred on January 4, 2005. The telephone interview has already been summarized by the Examiner in the Interview Summary mailed January 10, 2005, and by Applicant in the WRITTEN STATEMENT REGARDING SUBSTANCE OF INTERVIEW IN RESPONSE TO EXAMINER'S INTERVIEW SUMMARY MAILED JANUARY 10, 2005, which was filed on February 8, 2005.

It was agreed in the telephone interview that the current office action should not have been made final because it is the first office action following the Request for Continued Examination (RCE) filed on August 2, 2004. The Examiner informed the undersigned in the Interview Summary mailed January 10, 2005 that the finality of the current office action would be withdrawn after a written request is submitted as part of the response to the current office action.

Therefore, pursuant to the agreement reached in the telephone interview, Applicant hereby requests that the finality of the current office action mailed December 2, 2004 be withdrawn and that the office action be treated as a non-final office action.

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Claim Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 8 and 10-12 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,357,014 to Baer et al. ("Baer et al.") in view of U.S. Patent No. 6,585,599 to Horigami et al. ("Horigami et al."). Applicant respectfully traverses these rejections.

Applicant's independent claim 8 is allowable over Baer et al. in view of Horigami et al. for several reasons. First, claim 8 recites "a mode determination process for determining whether each character should operate as an individual or as a crowd". An example manner for determining whether each character should operate as an individual or as a crowd is described in Applicant's specification. Namely, when it is detected that another enemy character is present within the search area, the enemy character forms a crowd together with an enemy character present within the search area. (See Applicant's specification, page 17, lines 10-13). The crowd of enemy characters then chases the player character. (See Applicant's specification, page 7, lines 21-23). Thus, the mode determination process for determining whether each character should operate as an individual or as a crowd is performed automatically by the game program and not by the user.

The Examiner asserts that column 5, lines 21-25 of Baer et al. discloses Applicant's recited "mode determination process". However, this portion of Baer et al. merely states that the joystick can be used to move the quarterback or can be programmed such that the entire team will move. Such programming is presumably performed by the user. There is no disclosure in this portion of Baer et al. of a mode determination process for determining whether each character should operate as an individual or as a crowd that is

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performed automatically by the game program. Therefore, Baer et al. does not disclose the "mode determination process" limitation in Applicant's claim 8 and the rejection should be withdrawn.

Next, claim 8 recites "a virtual object creation process for specifying a group of characters which form the crowd". Applicant's specification provides an example of a manner in which the group of characters which form the crowd may be specified. Namely, Applicant's specification states:

"Initially, the object control means 203 receives a notification from the enemy character A, and as shown in FIG. 8B, forms a crowd object G (G002) 302, which is a virtual leader for the enemy characters present within the search area 301. Then, the object control section 203 adds "G002", which is an ID of the crowd object G, to the start of the object list, and deletes the IDs of the enemy character A, the enemy character B, and the enemy character C, which form the crowd object, from the object list. Furthermore, the mode 262 of the enemy character A, the enemy character B, and the enemy character C is changed from the individual mode to the crowd mode. Then, the turn of the enemy character A at time t is terminated."
(Applicant's specification, page 17, line 20 to page 18, line 6).

The Examiner asserts that column 5, lines 25-30 and FIG. 4 of Baer et al. disclose Applicant's recited "specifying a group of characters which form the crowd". However, this portion of Baer et al. does not disclose anything about specifying a group of characters which form the crowd. For example, it says nothing about specifying which players will be part of the team or modifying the IDs of the players in an object list. Therefore, Baer et al. does not disclose this limitation in Applicant's claim 8 and the rejection should be withdrawn.

Applicant's claim 8 also recites "wherein said movement

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information contains information about a character assignment position in a virtual space". When claim 8 is read in whole, it is clear that "said movement information" is given by the recited "virtual object".

The Examiner asserts that column 3, lines 16-19 and FIG. 4 of Baer et al. disclose this limitation. However, this portion of Baer et al. merely mentions that the starting position of the players may be stored in program memory and discloses nothing about a virtual object which gives movement information that contains information about a character assignment position in a virtual space. There is simply nothing in this portion of Baer et al. that discloses such a virtual object. Furthermore, the vector 68 referred to in column 5, lines 25-30 and FIG. 4 of Baer et al. does not appear to contain information about a character assignment position in a virtual space. Therefore, Baer et al. does not disclose this limitation in Applicant's claim 8 and the rejection should be withdrawn.

Applicant's claim 8 also recites "wherein the character assignment position in said virtual space is a position in one circle or in a plurality of concentric circles, around a reference point determined based on the positions of the group of characters which form a crowd, and the characters in the same circle are evenly spaced apart". This is an example of a way in which the crowd object G creates the arrangement information of the enemy characters. (See Applicant's specification, page 19, line 25 to page 20, line 3).

The Examiner asserts that column 12, lines 23-33, column 10, lines 24-40 and FIG. 2 of Horigami et al. disclose these limitations of Applicant's claim 8. Applicant argued in his last response that Horigami et al. does not suggest application thereof to a crowd movement. The Examiner has

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responded to this argument by stating that "the Abstract [of Horigami et al.] suggests crowd movement". (See Office Action mailed 12/02/2004, page 9, line 10). Applicant respectfully and strongly disagrees with this assertion. Applicant has found nothing in Horigami et al.'s Abstract that suggests crowd movement. Furthermore, Horigami et al.'s system is simply not directed to or related to crowd movement, and Applicant cannot even find the word "crowd" anywhere in the Horigami et al. patent. Therefore, there would certainly be no suggestion or motivation to a person of ordinary skill in the art to modify Baer et al. as suggested by the Examiner, which means the rejection of Applicant's claims must be withdrawn.

Applicant also argued in his last response that Horigami et al. is silent with respect to how the center of the concentric circles is determined. The Examiner has responded to this argument by stating that FIG. 2 and column 12, lines 23-33 of Horigami et al. are cited for determining the center of the concentric circles. (See Office Action mailed 12/02/2004, page 9, lines 8-9). But Applicant's claim 8 recites that the character assignment position in the virtual space is a position "around a reference point determined based on the positions of the group of characters which form a crowd". By way of example, Applicant's FIG. 8C illustrates that the position of the crowd object is set to be the center (the center-of-gravity) of the positions of the enemy characters which form the crowd. In contrast, the portions of Horigami et al. cited by the Examiner do not disclose the determination of a reference point based on the positions of the group of characters which form a crowd as is recited in Applicant's claim. Therefore, because Horigami et al. does not disclose this limitation in Applicant's claim 8 the

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rejection should be withdrawn.

For all of the above reasons Applicant submits that the rejection of Applicant's independent claim 8 should be withdrawn. Furthermore, the rejections of independent claims 10, 11 and 12 should also be withdrawn because they include substantially the same limitations as claim 8.

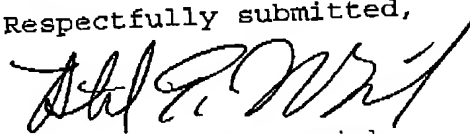
No Fees Believed to be Due

No extra claims fees are believed to be due.

C O N C L U S I O N

In view of the above, Applicant submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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